

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP PATENT ATTORNEYS

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

2005 OCT 11 PM 3:3

US PATENT & TRADEMARK
OFFICE**FACSIMILE COVER SHEET**

Deliver to: Refunds, USPTO Art Group: 2143
 Facsimile No.: 571 273 6500 Date: October 7, 2005
 From: Thinh V. Nguyen, Reg. No. 42,034
 Our Docket No.: 82771P279 Number of pages 8 including this sheet.
 Application No.: 09/222,340 Filing Date: 12/28/1998
 Docket Due Date(s): _____

Enclosed are the following documents:

<input type="checkbox"/> Amendment: (____ pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (____ pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: (____ pgs) w/cover & abstract	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet (____ pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Facsimile _____	<input type="checkbox"/> Reply Brief (____ pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA (____ pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: ____ sheets, ____ figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion (____ pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 (____ pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input checked="" type="checkbox"/> Other - Refund Request	<input checked="" type="checkbox"/> Transmittal Letter
- copy of Monthly Statement _____	

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Tu T. Nguyen

10/7/2005

Date

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Tu T. Nguyen.

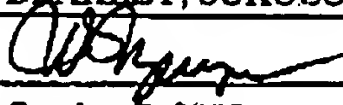
BEST AVAILABLE COPY


P.2
PATENT MARK OFFICE
DATE

2005 OCT 11 PM 3:39

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	09/222,340
		Filing Date	December 28, 1998
		First Named Inventor	William F. Terrell
		Art Unit	2143
		Examiner Name	William C. Vaughn Jr.
Total Number of Pages in This Submission	7	Attorney Docket Number	82771P279

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">-Refund Request -copy of monthly statement</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thinh V. Nguyen, Reg. No. 42.034 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 7, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Tu T. Nguyen		
Signature		Date	October 7, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (date) 06/04/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PATENT REJECTION NOTICE
EX-100

2005 OCT 11 PM 3:39

US PATENT
OFFICE

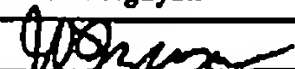
FEE TRANSMITTAL for FY 2005		Complete if Known	
Patent fees are subject to annual revision.		Application Number	09/222,340
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	December 28, 1998
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	William P. Terrell
		Examiner Name	William C. Vaughn Jr.
		Art Unit	2143
		Attorney Docket No.	82771P279

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit card ☐ Money Order ☐ Note ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zelman LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☒ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	85	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1261	120	2251	60	Extension for reply within first month	
1262	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451		2451		Petition to institute a public use proceeding	
1460	130	2480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2) (\$)					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034
Signature		Telephone	(714) 557-3800
		Date	10/07/05

Based on PTO/SD-17 (12-04) as modified by Director, Blakely, Sokoloff, Taylor & Zelman (vtr) 12/15/2004.
SEND TO: Commissioner for Patents P.O. Box 1400, Alexandria, VA 22313-1400

BEST AVAILABLE COPY

PATENT FEE TRANSMITTAL
DIVISION

2005 OCT 11 PM 3:39

**FEE TRANSMITTAL
for FY 2005**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 09/222,340

Filing Date December 28, 1998

First Named Inventor William F. Terrell

Examiner Name William C. Vaughn Jr.

Art Unit 2143

Attorney Docket No. 82771P279

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify):
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☒ Credit any overpayments**FEE CALCULATION**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451		2451		Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify)

SUBTOTAL (2) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034	Telephone	(714) 557-3800
Signature		Date	10/07/05		

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 12/15/2004).
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

BEST AVAILABLE COPY

PATENT MAINTENANCE
Docket No.: 82771P279

2005 OCT 11 PM 3:39

US PATENT & TRADEMARK
OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

WILLIAM F. TERRELL, ET AL.

Application No.: 09/222,340

Filing Date: December 28, 1998

For: Method and Apparatus for Dynamically
Controlling the Provision of Differentiated
Services

Art Group: 2143

Examiner: .Refunds

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. REFUND REQUEST

This is a request for refund, with respect to the charge to Deposit Account 02-2666, shown on the statement dated , for the above-identified

☒ application.☐ patent*(check the following, if desired, and supply copy of statements)*

☒ A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED**AMOUNT OF
REFUND
REQUESTED**

<input type="checkbox"/> Filing fee	_____
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. 1.16(e))	_____
<input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. 1.16(e))	_____
<input type="checkbox"/> Extension of term	_____
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input type="checkbox"/> fifth month	_____
<input type="checkbox"/> Excess claims	_____
<input type="checkbox"/> Issue fee	_____
<input type="checkbox"/> Petition fee	_____
<input type="checkbox"/> Patent maintenance fee	_____
<input type="checkbox"/> first maintenance fee	_____
<input type="checkbox"/> second maintenance fee	_____
<input type="checkbox"/> third maintenance fee	_____
<input type="checkbox"/> Patent maintenance fee surcharge	_____
	<u>330.00</u>
<input checked="" type="checkbox"/> Other Extensions of Time Difference (2-months \$450 and 1-month \$120)	_____
_____	_____
_____	_____
TOTAL REFUND REQUESTED	<u>330.00</u>

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

04-13-2005 Final Office Action
06-09-2005 Response to Final Office Action
07-20-2005 Advisory Action
08-16-2005 Notice of Appeal (1st Extension)

Applicant filed a response to the final Office Action on June 9, 2005, before the 2-month
deadline of June 13, 2005. The Examiner issued an Advisory Action on July 20, 2005, after
the 3-month deadline of July 13, 2005. Therefore, according to MPEP 714.13, the
fee for the extension of time should be calculated from the date the Examiner mailed the
Advisory Action, which is July 20, 2005. The notice of appeal was filed on August 16,
2005. Therefore, the extension of time should be one month, not two months

IV. MANNER OF REFUND

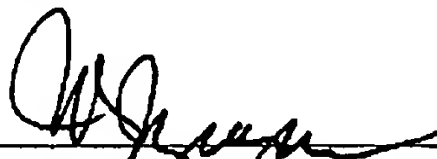
Please make refund by

- ☒ crediting Account No. 02-2666
☐ refunding payment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: October 07, 2005


Thanh V. Nguyen, Reg. No. 42,034

12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025
Telephone: (714) 557-3800

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via
facsimile on the date shown below to the United States Patent and
Trademark Office.

Tu T. Nguyen  10/07/05
Date

Deposit Account Statement

Page 4 of 10

09/12 1054	8021	\$40.00	\$54,019.62
09/13 1	1251	\$120.00	\$53,899.62
09/13 14	9203	-\$83,883.00	\$137,782.62
09/13 19	1201	\$600.00	\$137,182.62
09/13 20	6201	\$400.00	\$136,782.62
09/13 20	1814	\$130.00	\$136,652.62
09/13 21	6205	\$100.00	\$136,552.62
09/13 36	8021	\$40.00	\$136,512.62
09/13 114	7205	\$100.00	\$136,412.62
09/13 115	7208	\$200.00	\$136,212.62
09/13 141	8021	\$40.00	\$136,172.62
09/13 190	1801	\$790.00	\$135,382.62
09/13 191	1251	\$120.00	\$135,262.62
09/13 208	8503	\$15.00	\$135,247.62
09/13 527	7001	\$325.00	\$134,922.62
09/13 702	7001	\$650.00	\$134,272.62
09/13 1621	7004	\$150.00	\$134,122.62
09/13 1645	7004	\$150.00	\$133,972.62
09/14 1	1252	\$330.00	\$133,642.62
09/14 1	1201	\$800.00	\$132,842.62
09/14 1	1453	\$1,500.00	\$131,342.62
09/14 3	1401	\$500.00	\$130,842.62
09/14 4	8021	\$40.00	\$130,802.62
09/14 4	1814	\$130.00	\$130,672.62
09/14 5	1203	\$360.00	\$130,312.62
09/14 23	6001	\$375.00	\$129,937.62
09/14 61	8007	\$40.00	\$129,897.62
09/14 66	8007	\$40.00	\$129,857.62
09/14 80	1051	\$130.00	\$129,727.62
09/14 85	1051	\$130.00	\$129,597.62
09/14 107	8007	\$20.00	\$129,577.62
09/14 288	8021	\$40.00	\$129,537.62
09/14 468	7001	\$325.00	\$129,212.62
09/14 728	7001	\$325.00	\$128,887.62
09/14 755	7001	\$1,625.00	\$127,262.62
09/14 1736	7001	\$325.00	\$126,937.62
09/14 1854	7001	\$325.00	\$126,612.62
09/15 1	1251	\$120.00	\$126,492.62
09/15 1	1801	\$790.00	\$125,702.62
09/15 2	1202	\$150.00	\$125,552.62
09/15 4	9204	-\$1,400.00	\$126,952.62
09/15 6 09222340 82771.P279	1252	\$450.00	\$126,502.62
09/15 6	7205	\$200.00	\$126,302.62
09/15 6	1253	\$1,020.00	\$125,282.62
09/15 6	9204	-\$50.00	\$125,332.62
09/15 7	7201	\$800.00	\$124,532.62
09/15 9	1801	\$790.00	\$123,742.62
09/15 13	9204	-\$1,730.00	\$125,472.62

BEST AVAILABLE COPY

• United States Patent and Trademark Office
- Sales Receipt -

09/15/2005 CCURTIS 00000005 022666 09222340

01 FC:1252 450.00 DA

Adjustment Date: 11/18/2005 SDIRETA1
09/15/2005 CCURTIS 00000005 022666 09222340
01 FC:1252 450.00 CR

11/18/2005 SDIRETA1 00000010 022666 09222340
01 FC:1251 120.00 DA

BEST AVAILABLE COPY


RECEIVED
CENTRAL FAX CENTER

AUG 16 2005

FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual updates.</small>		<small>Complete if known</small>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Application Number	09/222,340
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	December 28, 1998
500.00		First Named Inventor	William F. Terrell
		Examiner Name	William C. Vaughn Jr.
		Art Unit	2143
		Attorney Docket No.	82771P279

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input checked="" type="checkbox"/> Credit any overpayments	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	705	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500.00
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451		2451		Petition to Institute a public use proceeding	
1450	130	2450	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)				(\$)	500.00

SUBMITTED BY		<small>Complete if applicable</small>	
Name (print)	Thinh V. Nguyen	Registration No. (attorney only)	42,034
Signature		Telephone	(714) 557-3800
		Date	08/16/05

Based on PTO/ER/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (rev) 12/13/2004.
 5010 TCR: Correspondence to Patents. P.O. Box 1450, Alexandria, VA 22313-1450

BEST AVAILABLE COPY